

Court of Appeals, State of Michigan

ORDER

21st Century Premier Insurance Company v Barry Zufelt

Docket No. 323218

LC No. 2013-135198-CK

Henry William Saad
Presiding Judge

Mark J. Cavanagh

Elizabeth L. Gleicher
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting leave to appeal, the Court orders that the trial court's August 1, 2014, order denying defendant University of Michigan Regents' motion for leave to file an answer to plaintiff's motion for summary disposition is REVERSED. University of Michigan Regents, as a healthcare provider, has a statutory right to assert an independent claim for the payment of PIP benefits against plaintiff, a no-fault insurer. See *Lakeland Neurocare Ctrs v State Farm Mut Auto Ins Co*, 250 Mich App 35, 39-40; 645 NW2d 59 (2002); *Mich Head & Spine Institute, PC v State Farm Mut Auto Ins Co*, 299 Mich App 442, 447; 830 NW2d 781 (2013). Although the University of Michigan Regents' claim is derivative of Barry Zufelt's claim, it is dependent on and "identical" to Zufelt's claim. See *Moody v Home Owners Ins Co*, 304 Mich App 415, 440-441; 849 NW2d 31 (2014). Because plaintiff's requested relief, if granted, will conclusively decide the University of Michigan Regents' claim for benefits, we direct the trial court to permit the University of Michigan Regents to file a response to plaintiff's motion for summary disposition.

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 28 2014

Date

Chief Clerk